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Attorneys for Plaintiff, the Putative Class, and the Aggrieved Employees

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ISAAC RAPISURA, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC, a
Delaware limited liability company; and DOES 1
TO 50,

Defendants.

Case Number: 22-cv-00455 WBS

**JOINT STIPULATION AND ORDER TO
CONTINUE DEADLINES**

WILLIAM B. SHUBB
U.S. DISTRICT COURT JUDGE

Complaint Filed: February 3, 2022

Trial Date: None Set

JOINT STIPULATION

Plaintiff Isaac Rapisura (“Plaintiff”) and Defendant BMW of North America, LLC (“Defendant”) (collectively, the “Parties”), by and through their respective counsel of record, enter into this stipulation to continue the current deadlines in this matter.

WHEREAS, on February 3, 2022, Plaintiff filed his initial class action complaint (“Complaint”) in the San Joaquin County Superior Court, wherein he alleged, on behalf himself and of all other similarly situated employees, causes of action against Defendant for: (1) failure to pay all minimum wages, (2) failure to pay all overtime wages, (3) failure to provide rest periods and pay missed rest period premiums, (4) failure to provide meal periods and pay missed meal period premiums, (5) failure to maintain accurate employment records, (6) failure to pay wages timely during employment, (7) failure to pay all wages earned and unpaid at separation, (8) failure to furnish accurate itemized wage statements, and (9) violations of California’s Unfair Competition Law (Bus. & Prof. Code, §§ 17200–17210);

WHEREAS, on March 10, 2022, Defendant filed a Notice of Removal, removing this action to the Eastern District of California;

WHEREAS, on August 5, 2022, Plaintiff filed his First Amended Complaint adding a single cause of action for penalties pursuant to the Private Attorneys General Act of 2004, Cal. Lab. Code §§ 2698, *et seq.*;

WHEREAS, on July 12, 2023 this Court entered a Status (Pretrial Scheduling) Order (Dkt. 14) setting the deadline for “[a]ll motions, including the motion for class certification, but except for motions for continuances, temporary restraining orders, or other emergency applications” as December 4, 2023;

WHEREAS, on July 12, 2023 this Court entered a Status (Pretrial Scheduling) Order (Dkt. 14) setting the deadline for the Final Pretrial Conference as February 12, 2024 at 1:30 p.m.;

WHEREAS, on July 12, 2023 this Court entered a Status (Pretrial Scheduling) Order (Dkt. 14) setting the jury trial to start on April 9, 2024 at 9:00 a.m.;

WHEREAS, the Parties have agreed to attend a private mediation with experienced wage and hour mediator, Tripper Ortman, on August 1, 2023;

1 WHEREAS, the Parties agree that any deadlines for filing motions shall be extended by
2 ninety-one (91) days from the current December 4, 2023 deadline to March 4, 2024;

3 WHEREAS, the Parties agree that the Final Pretrial Conference currently set for February 12,
4 2024 at 1:30 p.m. shall be continued to May 6, 2024 at 1:30 p.m.

5 WHEREAS, the Parties agree that the jury trial currently in this action set to start on April 9,
6 2024 shall be continued to July 24, 2024 at 9:00 a.m.

7 WHEREAS, it serves judicial economy for the deadlines to be extended to allow the Parties to
8 focus on preparation for the upcoming mediation;

9 WHEREAS, this is the Parties first request for an extension;

10 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between
11 the Parties, subject to the approval of the Court, as follows:

12 1. All motion deadlines are extended by ninety-one (91) days after the current December
13 4, 2023 deadline to March 4, 2024.

14 2. The Final Pretrial Conference is continued from February 12, 2024 at 1:30 p.m. to
15 May 6, 2024 at 1:30 p.m.

16 3. The jury trial is continued from April 9, 2024 at 9:00 a.m. to July 24, 2024 at 9:00
17 a.m.

18 Dated: March 21, 2023

MELMED LAW GROUP P.C.

21 /s/ Jonathan Melmed

JONATHAN MELMED

Attorney for Plaintiff and the Putative Class

1 Dated: March 21, 2023

FAEGRE DRINKER BIDDLE & REATH LLP

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3
4 /s/ Cheryl D. Orr

CHERYL D. ORR

KRISTIN M. HALSING

6 Attorneys for Defendant BMW of North America,
7 LLC
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ORDER

Pursuant to the stipulation of the parties and good cause appearing, the Court orders as follows:


1. All motion deadlines are extended by ninety-one (91) days after the current December 4, 2023 deadline to March 4, 2024.

2. The Final Pretrial Conference is continued from February 12, 2024 at 1:30 p.m. to **May 6, 2024 at 1:30 p.m.**

3. The Jury Trial is continued from April 9, 2024 at 9:00 a.m. to **July 23, 2024 at 9:00 a.m.**

IT IS SO ORDERED.

Dated: March 21, 2023



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE